

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

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| Levi Pruitt, |) | Civil Action No.: 3:08-CV-879-MJP |
| |) | |
| Petitioner, |) | |
| |) | |
| vs. |) | <u>ORDER</u> |
| |) | |
| State of South Carolina, |) | |
| Russell Brewton - 1094, and |) | |
| Richland County Sheriff's Dept. |) | |
| _____ |) | |

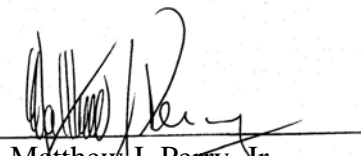
This civil action, commenced by *pro se* plaintiff Levi A. Pruitt, is before this Court pursuant to a Report and Recommendation submitted by United States Magistrate Judge Bristow Marchant, to whom it was referred for review. Plaintiff claims that as the result of an invalid warrant containing false and defamatory allegations, he was arrested and charged with criminal domestic violence. Plaintiff was subsequently found not guilty at trial. Plaintiff now brings suit naming the State of South Carolina, Richland County Sheriff Russell Brown, and the Richland County Sheriff's Department as defendants. Plaintiff prays this Court award him damages for injury to his reputation, lost wages, and the money spent on bond.

The Magistrate Judge recommends that the District Court dismiss *without prejudice* the State of South Carolina as a party Defendant in this case. The Magistrate Judge recommends dismissal pursuant to the Eleventh Amendment, which affords the State of South Carolina immunity from suit in this Court. This Court is inclined to take the view of the Magistrate Judge and finds that because the State of South Carolina has

not waived its Eleventh Amendment immunity or consented to suit in a federal district court, this Court lacks jurisdiction to entertain a suit brought against it.

Therefore, this Court approves the recommendation of the Magistrate Judge. This action is hereby **DISMISSED** without prejudice against the State of South Carolina as a party Defendant in this case.

AND IT IS SO ORDERED!


Matthew J. Perry, Jr.
Senior United States District Judge

June 11, 2008
Columbia, South Carolina